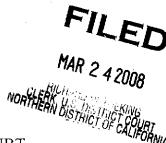
DENNIS RAY BARNETT C/77539 CALIFORNIA MEDICAL FACILITY P.O. BOX 2500 P/112LOWER VACAVILLE) CA 95696 2500

Petitioner, pro se



IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Case No.:

C08-1604 RNW

MOTION FOR APPOINTMENT OF COUNSEL

DENTIS RAY BARNETT Petitioner,

and

KNOWLES, WARDEN', CALTFORNITA DEPIRTMENT OF CORRECT FOR AND REMOBILITATION

Respondent

MOTION FOR APPOINTMENT OF COUNSEL

In determining whether counsel should be appointed in a non-capital habeas case, the court should evaluate the likelihood of success on the merits as well as petitioner's ability to articulate his claims pro se. *Wilburn v. Escalderon*, 789 F.2d 1328 (9th Cir. 1986)

This Court has found sufficient possibility of merit in petitioner's claim to issue an order to file a response. Petitioner is utterly untrained in the law; and has no ability to articulate his claims pro se. He has relied up to this point on the pro bono assistance of friends and counsel in the state appeal proceedings, and on his own uneducated judgment that nothing (until now) has Motion for Appointment of Counsel

been required of him. Now the court has ordered the respondent to answer showing cause why a writ of habeas corpus should not issue. Petitioner will not be able to file his responding papers without legal assistance and has no funds with which to hire counsel.

Petitioner therefore request that counsel be appointed to assist him.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:, MARCH 02, 2008

Petitioner, pro se

DECLARATION OF SERVICE

1 Dennis R. Barnett, declare tha	at on the date of t	nis deciaration i sei	ved the lonor	********
documents:			<i>t. i</i>	. h
MOTTON POR APPOFNIMENT OF	COUNTS FN	FEDERAL PEH	HON FOR U	外外
Habous corpus in betermining wh	ether coursels	hould be apport	DED IN QM	DI-COP
habeas cuse			·	
on each of the below named person(s), by	placing a true copy	thereof enclosed in	a sealed enve	elope
with postage fully prepaid, in the United	States Mails, at	the facility where I	am incarcera	ated,
addressed as follows:				
NORTHERN DISTRICT OF CALIFORN NORTHERN DISTRICT OF CALIFORN	EDERAL			
BUTTOTHS WED COUSH GATE AVENUE LEAN FRANCISCO) CA 94108			· ·	
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I, Dennis R. Barnett, declare unde	er penalty of perjur	y that the foregoing	is true and co	rrect
and that this declaration was executed at the	: California Medical	Facility in Vacaville	, CA on	
MHPCH 02) 2008 2001	8 Den	in Pay Be	MH	
	Dennis I	<i>U</i> R. Barnett C-77539	9	

Pro Per, Pelitioner, Appellant